

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

BANK OF NEW YORK AS :
TRUSTEE FOR :
CERTIFICATEHOLDERS : CIVIL ACTION NO. 3:13-0690
CWABS, INC. ASSET-BACKED :
CERTIFICATES, SERIES 2006-24, : (JUDGE MANNION)

Plaintiff :
v. :
AMY J. BATES f/k/a :
AMY J. JONES and :
RICHARD BATES, :
Defendants :

O R D E R

In light of the memorandum issued this same day, **IT IS HEREBY ORDERED**
THAT:

1. The plaintiff's motion for partial summary, (Doc. [41](#)), is **GRANTED** with respect to the breach of contract claim, Count I of the amended complaint, (Doc. [11](#)), and the reformation by mutual mistake claim, Count II.
2. The defendants' motion for partial summary judgment (Doc. [38](#)), is **DENIED** with respect to the reformation by mutual mistake claim, Count II, and is **GRANTED** with respect to the unilateral mistake claim, Count III.
3. Judgment is entered in favor of plaintiff and against defendant Amy J. Bates on plaintiff's claim in Count I of the amended complaint for breach of the Franklin Note.
4. Judgment is entered in favor plaintiff and against defendants Amy J. Bates and Richard Bates on Count II of the amended

complaint for reformation by mutual mistake. The Franklin Mortgage, which is attached to this Order as Exhibit "1," is hereby reformed so that the legal description attached to the Mortgage is deleted in its entirety and replaced with the legal description attached to this Order as Exhibit "2," which legal description describes the real property located at 1712 Forest Acres Drive, Clarks Summit, Pennsylvania, 18411, that is defined as the "Residential Property" in the plaintiff's motion and supporting brief. Plaintiff is authorized to have the Mortgage, as reformed, indexed under the Residential Property.

5. Judgment is entered in favor defendants Amy J. Bates and Richard Bates and against plaintiff on Count III of the amended complaint for reformation by unilateral mistake.
6. If counsel are unable to agree on damages, a hearing will take place on **Monday, May 4, 2015 at 10:00 a.m.**, in Courtroom #3 of the William J. Nealon U.S. Courthouse, Scranton, PA. Counsel are to attempt to work out damages, or as many issues as possible related to damages, before that date. Counsel for the plaintiff shall submit its brief and exhibits in support of damages, on or before **April 17, 2014**. Defendant shall file its brief in response, on or before **April 24, 2015**.

s/ *Malachy E. Mannion*
MALACHY E. MANNION
United States District Judge

Date: March 30, 2015

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